IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 1388 of 2006 (S/S)

Mahfooz S/o Sri Abdul Aziz
Posted at Lecturer Physics
Govt. Inter College, Banskhera,
District Udham Singh Nagar
At present residing at Bazir Ahamad's House,
Banskhera, P.O. Banskhera, Distt. U.S. Nagar.

…… Petitioner

Versus

1. Additional Director Education,
   Kumaon Division, Nainital
2. Director of Vidhyalayi Education,
   Mayur Vihar, Uttaranchal, Dehradun.
3. State of Uttaranchal
   through Secretary Education,
   Uttaranchal, Dehradun.
4. Manoj Kumar Aggarwal
   Lecture Physics,
   G.I.C Banskhera, Distt. U.S. Nagar.

…….. Respondents

Mr. S.S. Negi, learned counsel for the petitioner.
Mr. N.P. Sah and Mr. Harendra Belwal, learned Standing Counsel for the State.
Mr. P.B. Goswami, learned counsel for respondent No. 4.

Hon'ble Prafulla C. Pant, J.

Heard Mr. S.S. Negi learned counsel for the petitioner, Mr. N.P. Sah and Mr. Harendra Belwal, learned Standing Counsel for the State and Mr. P.B. Goswami, learned counsel for respondent No. 4.

2) Brief facts of the case, as narrated in the writ petition, are that the petitioner, who was working as Lecturer of

Physics in Government Inter College, Dewayal (District Almora) was transferred vide order dated 28.10.2006, to Government Inter College Banskhera (District Udham Singh Nagar), on his representation that he had already served for sufficient time in interior area. It appears, that on the same day respondent No. 4 was also transferred from Government Inter College Kailakhera to Government Inter College Banskhera, against the same post. Impugned order diverting the petitioner from G.I.C. Banskhera to G.I.C. Kailakhera, appears to have been passed by respondent No. 1, to rectify the mistake.

3) Though, it is unfortunate that within seven days of transfer of the petitioner from G.I.C Dewayal (District Almora) to G.I.C. Banskhera (District Udham Singh Nagar), he has been transferred to Kailakhera (District Udham Singh Nagar), but in substance the petitioner's request to transfer him from interior place to District Udham Singh Nagar, remains satisfied, as the petitioner states that he belonged to District Bijnor (State of U.P.). In the circumstances, the correction which necessitated due to mistake on the part of the authorities concerned, cannot be said to be malafide.

4. With the aforesaid observation, the writ petition is dismissed, in limine. (Interim relief application No. 13721 of 2006 also stands disposed of).

(Prafulla C. Pant, J.)

Dt: November 13, 2006
H.Negi